

REFERENCE TITLE: animal cruelty; classification; definitions

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2329**

Introduced by  
Representatives McClure, Reagan: Anderson, Boone, Burges, Burns J,  
Konopnicki, Lopez L

AN ACT

AMENDING SECTION 13-2910, ARIZONA REVISED STATUTES; RELATING TO ANIMAL  
CRUELTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2910, Arizona Revised Statutes, is amended to  
3 read:

4 13-2910. Cruelty to animals; interference with working or  
5 service animal; classification; definitions

6 A. A person commits cruelty to animals if the person does any of the  
7 following:

8 1. Intentionally, knowingly or recklessly subjects any animal under  
9 the person's custody or control to cruel neglect or abandonment.

10 2. Intentionally, knowingly or recklessly fails to provide medical  
11 attention necessary to prevent protracted suffering to any animal under the  
12 person's custody or control.

13 3. Intentionally, knowingly or recklessly inflicts ANY unnecessary  
14 physical injury to any animal.

15 4. Recklessly subjects any animal to cruel mistreatment.

16 5. Intentionally, knowingly or recklessly kills any animal under the  
17 custody or control of another person without either legal privilege or  
18 consent of the owner.

19 6. Recklessly interferes with, kills or harms a working or service  
20 animal without either legal privilege or consent of the owner.

21 7. Intentionally, knowingly or recklessly leaves an animal unattended  
22 and confined in a motor vehicle and physical injury to or death of the animal  
23 is likely to result.

24 8. Intentionally or knowingly subjects any animal under the person's  
25 custody or control to cruel neglect or abandonment that results in serious  
26 physical injury to the animal.

27 9. Intentionally or knowingly subjects any animal to cruel  
28 mistreatment.

29 10. Intentionally or knowingly interferes with, kills or harms a  
30 working or service animal without either legal privilege or consent of the  
31 owner.

32 11. Intentionally or knowingly allows any dog that is under the  
33 person's custody or control to interfere with, kill or cause physical injury  
34 to a service animal.

35 12. Recklessly allows any dog that is under the person's custody or  
36 control to interfere with, kill or cause physical injury to a service animal.

37 13. Intentionally or knowingly obtains or exerts unauthorized control  
38 over a service animal with the intent to deprive the service animal handler  
39 of the service animal.

40 B. It is a defense to subsection A of this section if:

41 1. Any person exposes poison to be taken by a dog that has killed or  
42 wounded livestock or poison to be taken by predatory animals on premises THAT  
43 ARE owned, leased or controlled by the person for the purpose of protecting  
44 the person or the person's livestock or poultry, ~~and~~ the treated property is  
45 kept posted by the person who authorized or performed the treatment until the

1 poison has been removed,~~—~~ and the poison is removed by the person exposing  
2 the poison after the threat to the person,~~—~~ or the person's livestock or  
3 poultry has ceased to exist. The posting required shall provide adequate  
4 warning to persons who enter the property by the point or points of normal  
5 entry. The warning notice that is posted shall be readable at a distance of  
6 fifty feet, shall contain a poison statement and symbol and shall state the  
7 word "danger" or "warning".

8 2. Any person uses poisons in and immediately around buildings owned,  
9 leased or controlled by the person for the purpose of controlling wild and  
10 domestic rodents as otherwise allowed by the laws of the state, excluding any  
11 fur-bearing animals as defined in section 17-101.

12 C. This section does not prohibit or restrict:

13 1. The taking of wildlife or other activities **THAT ARE** permitted by or  
14 pursuant to title 17.

15 2. Activities **THAT ARE** permitted by or pursuant to title 3.

16 3. Activities **THAT ARE** regulated by the Arizona game and fish  
17 department or the Arizona department of agriculture.

18 D. A peace officer, animal control enforcement agent or animal control  
19 enforcement deputy may use reasonable force to open a vehicle to rescue an  
20 animal if the animal is left in the vehicle as prescribed in subsection A,  
21 paragraph 7 of this section.

22 E. A person who is convicted of a violation of subsection A, paragraph  
23 6 or 10 of this section is liable as follows:

24 1. If the working or service animal was killed or disabled, to the  
25 owner or agency that owns the working or service animal and that employs the  
26 handler or to the owner or handler for the replacement and training costs of  
27 the working or service animal and for any veterinary bills.

28 2. To the owner or agency that owns a working or service animal for  
29 the salary of the handler for the period of time that the handler's services  
30 are lost to the owner or agency.

31 3. To the owner for the owner's contractual losses with the agency.

32 F. An incorporated city or town or a county may adopt an ordinance  
33 with misdemeanor provisions **THAT ARE** at least as stringent as the misdemeanor  
34 provisions of this section.

35 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7  
36 or 12 of this section is guilty of a class 1 misdemeanor. A person who  
37 violates subsection A, paragraph 8, ~~9,~~ 10, 11 or 13 of this section is guilty  
38 of a class 6 felony. **A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 9 OF THIS**  
39 **SECTION IS GUILTY OF A CLASS 5 FELONY.**

40 H. For the purposes of this section:

41 1. **"ABANDONMENT" MEANS LEAVING AN ANIMAL AT A LOCATION WITHOUT**  
42 **PROVIDING FOR THE ANIMAL'S CONTINUED CARE.**

43 ~~1.~~ 2. "Animal" means a mammal, bird, reptile or amphibian.

1           ~~2.~~ 3. "Cruel mistreatment" means to torture or otherwise inflict  
2 unnecessary serious physical injury upon an animal or to kill an animal in a  
3 manner that causes protracted suffering to the animal.

4           ~~3.~~ 4. "Cruel neglect" means to EITHER:

5           (a) Fail to provide an animal with ~~necessary~~ DAILY food, ~~AND~~ water ~~or~~  
6 ~~shelter~~ OF SUFFICIENT QUALITY AND QUANTITY TO PREVENT UNNECESSARY OR  
7 UNJUSTIFIABLE SUFFERING BY THE ANIMAL.

8           (b) FAIL TO PROVIDE AN ANIMAL WITH ADEQUATE SHELTER FROM THE ELEMENTS  
9 TO PREVENT UNNECESSARY OR UNJUSTIFIABLE SUFFERING BY THE ANIMAL.

10          ~~4.~~ 5. "Handler" means a law enforcement officer or any other person  
11 who has successfully completed a course of training THAT IS prescribed by the  
12 person's agency or the service animal owner and who used a specially trained  
13 animal under the direction of the person's agency or the service animal  
14 owner.

15          ~~5.~~ 6. "Service animal" means an animal that has completed a formal  
16 training program, that assists its owner in one or more daily living tasks  
17 that are associated with a productive lifestyle and that is trained to not  
18 pose a danger to the health and safety of the general public.

19          ~~6.~~ 7. "Working animal" means a horse or dog that is used by a law  
20 enforcement agency, that is specially trained for law enforcement work and  
21 that is under the control of a handler.